

May 6, 2016

Minutes
Staff Review Committee Meeting
May 4, 2016 @ 2:00 PM

Members Present:

- Mark Eyerman, Chair
- David I. Chipman

Others Present:

- Clayton Whidden representing Evelyn D, LLC

The chair called the meeting of the Staff Review Committee to order at 2:00 PM and declared a quorum.

1. Application of Evelyn D, LLC

Mr. Whidden presented the plans for the expansion and improvement of the existing wharf at 30 Whidden Road. He explained that he wants to complete prior projects and expand and update the wharf. The planned improvements include expanding the existing wharf, replacing existing temporary bait coolers with a new 24' X 30' bait shed, constructing a 16' X 20' addition to the main building for office and storage use, and removing the existing marine railway and replacing it with a boat ramp. In addition, the existing system of floats will be rearranged and the existing fuel storage tank located on the wharf may be relocated to a location on the land. Mr. Whidden indicated that the project has received a NRPA permit from the Maine DEP as well as an Army Corps permit.

The Committee first reviewed the project's conformance with the provisions of Section 15.3 of the Shoreland Zoning Ordinance that establishes standards for wharfs and piers (see attached findings). David Chipman moved, seconded by Mark Eyerman that the Committee finds that 15.3.7 is not applicable since this is a commercial wharf. The motion was adopted by a vote of 2-0. David Chipman then moved, seconded by Mark Eyerman that the Committee find that the application meets the requirements of Section 15.3 that apply to commercial wharfs specifically 15.3.1, 15.3.2, 15.3.3, 15.3.4.2, and 15.3.5. The motion was adopted by a vote of 2-0.

The Committee then reviewed the application's conformance with the standards of Section 15 of the Site Plan Review Ordinance (see attached findings). David Chipman moved, seconded by Mark Eyerman that the Committee find that subsections 15.3.2, 15.5, 15.8, 15.9 and 15.10 are not applicable to this application. The motion was adopted by a vote of 2-0. Mr. Chipman then moved, seconded by Mark Eyerman to find that the application conforms to subsections 15.1, 15.2, 15.4, 15.6, 15.7, 15.11, 15.12, 15.13, 15.14, 15.15, 15.16, 15.17, 15.18, 15.19, 15.20, and 15.21. The motion was adopted by a vote of 2-0.

In light of these findings, David Chipman moved, seconded by Mark Eyerman, that the Staff Review Committee finds that the applicant Evelyn D, LLC, has met the standards of the Town of Harpswell Shoreland Zoning Ordinance and Site Plan Review Ordinance. The Staff Review Committee approves the application and site plan with the following standard conditions of approval:

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Chair.
2. This approval is based on the approved plans, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board or Staff Review Committee prior to implementation.
4. The applicant shall obtain all necessary state and federal approvals before the applicant commences any land use activity pursuant to this site plan approval and shall comply with the requirements of those permits and approvals.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.

The motion was adopted by a vote of 2-0.

The meeting was adjourned at 2:35 PM

Respectfully submitted by:
Mark Eyerman, Chair

HARPSWELL STAFF REVIEW COMMITTEE
Findings of Fact
Proposed Wharf Improvements
Site Plan Review

Property Owner(s): Evelyn D, LLC
Property Address: 30 Whidden Road
Tax Map #: 11 Lot #: 109

Applicant(s): Clayton Whidden	Phone: 833-5720
Address: 18 Whidden Road	

Overview of the Proposal

The applicant operates a commercial wharf that services approximately 15 commercial fishermen including the owner. The property is located on Whidden Road. The parcel is shown on Tax Map 11 as Lot 109 and is in the Commercial Fisheries I Zone of the shoreland zoning identified in Section 11.1 of the Shoreland Zoning Ordinance. The parcel contains approximately 1.5 acres.

The applicant proposes to expand the existing wharf and construct a 24' X 30' bait shed to replace a temporary shed and a 16' X 20' office/storage addition. The proposal also includes removing the existing marine railway and replacing it with a boat ramp as well as rearranging the float system. The applicant has obtained a NRPA permit for the activities from the DEP.

Findings of Fact

The improvement of Whidden Wharf is subject to both the standards of Section 15.3 of the Shoreland Zoning Ordinance dealing with Piers, Docks, Wharves, Bridges and Other Structures and Uses and the Site Plan Review Ordinance. The application is being considered under the Minor Amendments provisions of Section 16.4 of the Site Plan Review Ordinance. The Staff Review Committee makes the following findings of fact based on the materials submitted to support the application.

Shoreland Zoning Ordinance

15.3.1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

No changes are proposed in the access to the wharf.

15.3.2. The location shall not interfere with existing developed or natural beach areas.

This is a modification to an existing wharf. There is no existing beach area.

15.3.3. The facility shall be located so as to minimize adverse affects on fisheries.

The wharf is an active marine pier that supports a number of fishing boats. The improvements are designed to enhance this function.

15.3.4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area.

15.3.4.2. Commercial piers, docks and wharves shall be limited to twelve (12) feet in width. The width of larger projects shall be justified by the applicant and approved by the Planning Board.

The existing wharf is wider than 12 feet and is proposed to be expanded. The expansion has been approved by both the DEP and Army Corps of Engineers.

15.3.5. No new structure shall be built on, over or abutting a pier, wharf, dock, or other structure extending beyond the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or within a freshwater wetland described in Section 3 of this Ordinance. Commercial fishing structures requiring direct access to the water as an operational necessity are allowed.

The proposed structures will serve commercial fishing.

15.3.7. Except in the Commercial Fisheries I District, structures built on, over or abutting a pier, wharf, dock, or other structure extending beyond the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or within a freshwater wetland described in Section 3 of this Ordinance shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.

The property is located in the Commercial Fisheries I District so this limitation does not apply.

Site Plan Review Ordinance

15.1. Dimensional Requirements

The plan for development must meet the dimensional requirements of the Basic Land Use Ordinance or Shoreland Zoning Ordinance, as applicable, pertaining to lot area, setbacks, impermeable surface coverage, structural height and frontage. For nonresidential development in areas other than the Shoreland Zone, the minimum lot size standard and the minimum road frontage standard is identical to the requirements for a single dwelling unit.

The lot is located in the MF1 District. The lot meets the 40,000 square foot minimum lot size requirement. The lot has an irregular shoreline and conform to the 200' shore frontage requirement for commercial uses. As a water-dependent use, the building does not need to meet the 75' setback from the wetland.

15.2. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Structures, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive

areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for threatened and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The proposal conforms to this requirement. The proposed activity is confined to the existing wharf area and marine railway area with no change in the overall utilization of the site. The DEP reviewed the scenic impacts of the proposal and found them to be acceptable.

15.3. Adequacy of Road System

15.3.1. Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

15.3.1.1. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better at the time the application is reviewed by the Planning Board must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower at the time the application is reviewed by the Planning Board, the development must not reduce the current level of service. This requirement may be waived by the Planning Board if the development is located within a growth area identified in the Town's land use ordinances and the Board determines that the development will not have an unnecessary adverse impact on traffic flow or safety.

15.3.2. A development not meeting this requirement may be approved if the applicant demonstrates that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- 2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.

The proposal will not generate this level of traffic so this requirement does not apply.

15.4. Access into the Site

Vehicular access to and from the development must be safe and convenient.

- 1) Any driveway or proposed road and adjacent landscaping must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

- 2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- 3) The grade of any proposed access/egress way must be not more than $\pm 3\%$ for a minimum of forty (40) feet, from the intersection.
- 4) The intersection of any proposed access/egress way must function: (a) at a Level of Service of D following development if the development will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the development if less than one thousand (1,000) trips are generated.
- 5) Where a lot has frontage on two (2) or more roads, the primary access to and egress from the lot must be provided from the road where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other roads may be allowed if it is safe and does not promote shortcutting through the site.
- 6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public roads.
- 7) Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public road.
- 8) The following criteria must be used to limit the number access/egress ways serving a proposed development:
 - a. No use that generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way access/egress way onto a single road. Such access/egress way must be no greater than thirty (30) feet wide. The Planning Board may approve a wider width if it deems a wider width to be functionally necessary to the development.
 - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) access/egress ways from and to a single road. The combined width of both access/egress ways must not exceed sixty (60) feet.

The proposal utilizes the existing access to the wharf.

15.5. Access/Egress Way Location and Spacing

Access/egress ways must meet the following standards:

- 1) Entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced by the Planning Board if the shape of the site does not allow conformance with this standard.

- 2) Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

This requirement is not applicable to the proposal.

15.6. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- 1) Nonresidential developments that will be served by delivery vehicles must provide, as necessary, off-road loading facilities located entirely off roads and entirely on the same lot as the structure or use to be served, and provide a clear route for such vehicles with geometric design to allow turning and backing.
- 2) Clear routes of access and egress must be provided and maintained for emergency vehicles. The Planning Board may require that such a route be kept clear and posted with appropriate signs.
- 3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- 4) All roads must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

The proposal reconfigures the use of the existing wharf. Existing traffic patterns and parking on the site will not be significantly changed.

15.7. Parking

15.7.1. Parking Spaces Required

The site must provide for sufficient off-road parking. Parking requirements shall be calculated utilizing one or more of the following formulas in a cumulative fashion, as appropriate:

<u>Use</u>	<u>Parking Spaces Required</u>
Lodging and Accommodations	1 per lodging unit and 1 per employee
Campground	1 per site, 1 per employee
Multi-Family Residential	2 per dwelling unit
Church	1 per 3 seats in the assembly room
School	1 per 3 seats in principal assembly room or 2 per classroom whichever is greater

Private Club or Lodge	1 per 4 members
Hospital and Nursing Homes	1 per 3 beds and 1 per employee based upon expected average occupancy
Retail and Commercial Sales	1 per 180 sf. of gross leasable floor area
Business and Professional Structures	1 per 250 sf. of gross leasable floor area
Eating, Drinking, Amusement and Recreation Establishment	1 per 3 seats and 1 per employee on shift
Auto Service and Repair	1 per employee and 1 per 50 sf. of floor space used for service work
Funeral Homes	1 per 75 sf. of floor space in slumber rooms, parlors and individual service rooms
Industrial, Public Utilities, Warehouse and Storage Facilities, Truck Facility, Construction Services	1 per employee based upon highest average employee occupancy on the largest shift and 1 for each vehicle used in the conduct of the enterprise

Adequate spaces shall be provided to accommodate customers, patrons, and employees of all other uses not specifically listed above.

In specific cases where it is demonstrated that a particular structure can be occupied or used with fewer parking spaces than required under this section, the Planning Board may reduce the requirement for off-road parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the road.

The type of use proposed is not addressed in the parking standards. The existing parking area will be maintained.

15.7.2. Layout and Design

Off-road parking must conform to the following standards:

- 1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the road.
- 2) All parking spaces, access drives, and impervious surfaces must be located at least twenty (20) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within ten (10) feet of the front property line. Parking lots on adjoining lots may be connected by access/egress ways not exceeding twenty-four (24) feet in width.
- 3) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width*
90°	8'-6"	8'-6"	18'-6"	12'-0" one way only
60°	8'-6"	10'-6"	18'-0"	16'-0" one way only
45°	8'-6"	12'-9"	17'-6"	12'-0" one way only
30°	8'-6"	17'-0"	17'-0"	12'-0" one way only

* Aisle width doubled for two way traffic.

- 4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- 5) Parking areas for non-residential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- 6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

The existing parking areas will be maintained and essentially comply with these requirements.

15.8. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major structure entrances/exits with parking areas and with sidewalks, if they exist or are planned in the vicinity of the development. The pedestrian network may be located either in the road right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the development with residential, recreational, and commercial facilities, schools, bus stops, and sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

This is not applicable at this location and for the type of use proposed.

15.9. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed roads, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- 1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- 2) Stormwater runoff systems must detain or retain water to minimize the rate of flow from the site after development.
- 3) The applicant must demonstrate that on and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- 4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the Site Plan Review.
- 5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to roads, adjacent properties, downstream properties, shoreland areas, inter-tidal areas, wetlands, soils, and vegetation.
- 6) The design of the storm drainage systems must be fully cognizant of upstream runoff that must pass over or through the site to be developed and provide for this movement.
- 7) The biological and chemical properties of the receiving waters and adjacent shoreland or inter-tidal areas must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required as part of the site plan approval, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond, wetland, inter-tidal area, or the ocean.

All of the proposed improvements are located on the wharf or in the water so this is not applicable.

15.10. Erosion Control

All structures, site, and road designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Natural vegetation must be preserved and protected wherever possible. Earthmoving, erosion, and sedimentation control must conform to the provisions of Section 15.16 of the Shoreland Zoning Ordinance.

All of the proposed improvements are located on the wharf or in the water so this is not applicable. The DEP permit for the project requires erosion control for work on the removal of the marine railway and construction of the boat launch.

15.11. Water Supply and Groundwater Protection

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the development is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

In the Mitchell Field Marine Business District all uses must be provided with an adequate fire protection water supply. If the community system located on the Mitchell Field property does not provide adequate fire protection flows and pressure, the applicant must demonstrate how adequate fire protection will be provided.

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose developments involve on-site water supply or sewage disposal systems with a capacity of five hundred (500) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

There are no proposed changes in the water supply system.

15.12. Subsurface Waste Disposal

15.12.1. All subsurface sewage disposal systems must be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and to minimize adverse impacts on ground water quality.

15.12.2. All new, replacement, renovated, or expanded structures or uses generating waste, must provide evidence of the type specified in 13.3.4 of the Basic Land Use Ordinance that an adequate waste water disposal system can be constructed or that an adequate waste water disposal system already exists.

15.12.3. Existing Use, Continuation of Use: The use of any legal system which exists on the effective date of this Ordinance, or which had previously been approved for installation, may be continued without change except as may be specifically covered by the Maine State Plumbing Code or deemed necessary by the plumbing inspector for the general safety and welfare of the occupants and the public.

15.12.4. The minimum setback for new subsurface sewage disposal systems shall be not less than one hundred (100) horizontal feet from the maximum high water line of

a perennial water body. The minimum setback distances from the water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

15.12.5. Replacement systems shall meet the standards for replacement systems as contained in the Maine Subsurface Wastewater Disposal Rules.

15.12.6. When two or more lots or structures in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owner's association. Covenants in the deeds for each lot, or in the case of the Mitchell Field Marine Business District, provisions in the leases for each lot, must require mandatory membership in the association and provide for adequate funding for the association to assure proper maintenance of the system.

There are no proposed changes in the sewage disposal system.

15.13. Utilities and Essential Services

Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors and above ground facilities must be located so as to avoid crossing open areas and scenic views as identified in the Comprehensive Plan.

The utilities to the wharf are existing. The fuel storage tank that is currently located on the pier may be relocated to the land. The applicant is exploring extending 3-phase power to the site.

15.14. Natural Features and Buffering

15.14.1 The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as much as possible.

15.14.2. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these and other techniques.

- 1) Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and traveled ways, and to otherwise prevent any nuisances.
- 2) Exposed storage areas, service areas, exposed machinery installations, and gravel extraction operations, truck loading areas, utility structures other than transmission poles, and areas used for the storage and collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and

- screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six feet or more in height.
- 3) Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.
 - 4) Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and roads. When natural features such as topography, gullies, stands of trees, shrubbery, and rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
 - 5) Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two or three rows of staggered plantings. The rows should be five feet apart and the evergreens planted four feet on center.
 - 6) Fencing and screening shall be durable and properly maintained at all times by the owner.
 - 7) All buffer areas shall be maintained in a neat and sanitary condition by the owner.
 - 8) In the Mitchell Field Marine Business District, any lot that abuts the perimeter of the Mitchell Field Marine Business District must maintain a buffer along that property line. The buffer must meet the requirements of this section and must include the entire required setback area except for provisions to provide for public access across the lots. Any lot that abuts a portion of the Mitchell Field property outside of the Mitchell Field Marine Business District that is designated for recreational use must maintain a buffer along that property line. The design of the buffer in this area should provide for a treatment that addresses buildings and service areas while maintaining views across the lot to the ocean to the extent feasible (see provisions of Section 15.22. relative to visual impacts). For the purposes of this requirement, service areas do not include areas used for outside boat storage in conjunction with a functionally water-dependent use, marina, boat repair facility, or other marine-related business.

The proposed improvements are located on the wharf and in the water adjacent to the wharf.

15.15. Lighting

Provisions for exterior lighting must not create undue hazards to motorists traveling on adjacent roads, must be adequate for the safety of the occupants or users of the site, and must not damage the value or diminish the usability of adjacent properties.

The existing lighting will be reconfigured and will be shielded to limit the impact on surrounding properties including those across the water.

15.16. Water Quality Protection

All aspects of the development must be designed so that:

- 1) No person or activity shall result in, locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- 2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's Office.
- 3) If the development is located within the watershed of a "body of water most at risk from development" as identified by the Maine Department of Environmental Protection (DEP), the development must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

The NRPA permit requires air-curing of the pressure-treated lumber to be used in the wharf prior to the start of construction. The fuel storage tank that is currently located on the pier may be relocated to the land.

15.17. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with applicable rules and regulations of the Maine Department of Public Safety and other federal, state, and local regulations.

The fuel storage tank that is currently located on the pier may be relocated to the land. Otherwise this requirement is not applicable.

15.18. Solid, Special and Hazardous Waste Disposal

The proposed development must provide for adequate disposal of the solid, special and hazardous wastes generated by the development. All waste must be disposed of at a licensed disposal facility having adequate capacity to accept the development's wastes.

Wastes will be transported to the Town's facility.

15.19. Historic and Archaeological Resources

The development shall be designed to protect and preserve archeological and historic sites that have been identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

This is not an issue.

15.20. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain Management Ordinance.

The site is within a special flood hazard area and the applicant has applied for Flood hazard Development Permit.

15.21. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan.

The applicant will finance the project. The development plans were professionally prepared by Stockwell Environmental Consulting.